

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

ALI MIRREH DUALEH, et al..

Defendants.

CASE NO. CR06-255JLR
ORDER

This matter comes before the court on Defendant Ali Mirreh Dualeh's motion (kt. # 365) for reconsideration of the court's ruling regarding the deposition of a Drug Enforcement Agency ("DEA") lab analyst. All Defendants join in the motion.

Rule 16 of the Federal Rules of Criminal Procedure establishes the parameters of discovery in criminal matters. Previously, the court allowed Defendants to hire as an expert witness a chemist/analyst, and granted their request to depose the DEA analyst responsible for testing for the presence of Cathinone, the controlled substance in question in this case. Defendants now request certain printed materials, namely the DEA’s “Lab Quality Assurance Manual.” The court disagrees that Defendants’ need the material in order to “object to incompetent evidence.” Mot. at 2. To the contrary, Defendants may inquire into the methodology the DEA analyst used when they depose him. Further, they may rely on their own retained expert to challenge the reliability of the DEA’s

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1 methodology. See United States v. Iglesias, 881 F.2d 1519, 1523-24 (9th Cir. 1989). For
2 the reasons stated, the court DENIES the motion.

3 Dated this 23rd of May, 2007.

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6 JAMES L. ROBART
7 United States District Judge

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